

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

OCT 13 1998

PATRICK FISHER
Clerk

SAMUEL J. WILDER,

Plaintiff - Appellant,

v.

SALVATION ARMY, sued as: The
Salvation Army (dormitory supervisor
Buddy Campbell) - Buddy Campbell,

Defendant - Appellee.

No. 98-5120

(N.D. Oklahoma)

(D.C. No. 97-CV-93-B)

ORDER AND JUDGMENT*

Before **ANDERSON, McKAY**, and **LUCERO**, Circuit Judges.

After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed. R. App. P. 34(a); 10th Cir. R. 34.1.9. The case is therefore ordered submitted without oral argument.

*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

This case is before us on Samuel Wilder's motion for leave to proceed without prepayment of costs or fees in order to appeal the dismissal of his action against the Salvation Army and others in which he alleges that his civil rights were violated because the defendant defamed him, withheld some personal effects, and violated the RICO statute. This matter has been before us once before without success in Appeal No. 97-5227.

In addition to the claims referred to above, Mr. Wilder claims various errors with respect to his motion filed under Fed. R. Civ. P. 60(b), failure to appoint counsel, failure to consolidate with another action, failure to stay the proceedings, failure to permit discovery, and so on.

Substantially for the reasons set forth in the orders of the district court filed March 24, 1998, and June 12, 1998, and based upon our own review of the file, we conclude that this action and appeal are frivolous. Accordingly, Mr. Wilder's motion to proceed *in forma pauperis* is denied, all pending motions are denied, and this appeal is DISMISSED. The mandate shall issue forthwith.

ENTERED FOR THE COURT

Stephen H. Anderson
Circuit Judge